

*Beckman J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PRIME TIME TOYS, LTD.,

Plaintiff

v.

MANLEY TOY DIRECT, LLC; MANLEY TOY  
QUEST, INC. and J.C. PENNEY, INC.,

Defendants.

Index No. 08 Civ. 2335 (RMB)

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DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/7/2008

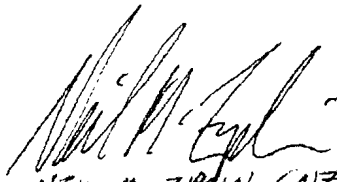
STIPULATED ORDER OF DISMISSAL

The parties having entered into Confidential Settlement Agreements, pursuant to Rule 41(a)(1)(ii), Fed. R. Civ. P., Prime Time Toys, Ltd., Manley Toy Direct, LLC, and J.C. Penney, Inc. (properly known as J.C. Penney Corporation, Inc.) stipulate, subject to approval of the Court, that:

1. All claims and potential counterclaims in this action related to patent infringement, namely Count 1 of the Complaint, are dismissed with prejudice.
2. All claims and potential counterclaims in this action related to trademark infringement, unfair competition, and unfair trade practices, namely Counts 2 through 4 of the Complaint, are dismissed without prejudice.
3. Each party will bear its own fees and costs in this action.
4. The Court shall retain jurisdiction of this matter for purposes of enforcing the Settlement Agreements.

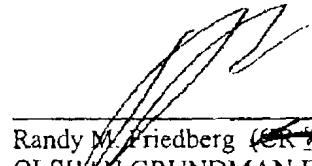
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NEH M. ZBAIN (NE 4718)

Chester Rothstein (CR 1417)  
AMSTER, ROTHSTEIN & EBENSTEIN LLP  
90 Park Avenue  
New York, NY 10016  
(212) 336-8000  
Attorneys for Prime Time Toys, Ltd.


Dated: July 2, 2008

  
Randy M. Friedberg (CR 4616) AF-8675  
OLSHAN GRUNDMAN FROME  
ROSENZWEIG & WOLOSKY LLP  
Park Avenue Tower  
65 East 55th Street  
New York, New York 10022  
Attorneys for Manley Toy Direct, LLC, and  
J.C. Penney, Inc

Dated: July \_\_, 2008

Dated: 7/7, 2008

IT IS SO ORDERED.

  
Richard M. Berman  
UNITED STATES DISTRICT JUDGE